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June 10, 2021

VIA ECF

The Honorable Gary R. Brown
United States District Court
Eastern District of New York
100 Federal Plaza, Courtroom 840
Central Islip, NY 11722

The Honorable Joanna Seybert
United States District Court
Eastern District of New York
100 Federal Plaza, Courtroom 1030
Central Islip, NY 11722

Re: *In re Hain Celestial Heavy Metals Baby Food Litigation*, 2:21-cv-00678-JS-AYS; *Andrews v. Beech-Nut Nutrition Company et. al.* 2:2021-cv-01704: Request for Consolidation of Related Case

Dear Judges Brown and Seybert:

We represent Plaintiff Asyia Andrews in *Andrews v. Beech-Nut Nutrition Company et. al.* 2:2021-cv-01704 (the “Andrews Action”), which is currently assigned to Judge Brown. Pursuant to Paragraph 5 of Judge Seybert’s May 13, 2021 Order in *In re Hain Celestial Heavy Metals Baby Food Litigation*, 2:21-cv-00678-JS-AYS, ECF No. 47 (the “Consolidation Order”), we write to notify Your Honors of the Andrews Action, which is pending in this District and asserts “consumer protection type claims” against Hain Celestial. Accordingly, Plaintiff respectfully requests that the Andrews Action be consolidated with *In re Hain Celestial Heavy Metals Baby Food Litigation*.

The original complaint filed in the Andrews Action asserts claims against Hain Celestial Group Inc., Beech-Nut Nutrition Company, Gerber Products Company, Nurture, Inc., and Sprout Foods, Inc. Plaintiff and Defendants in the Andrews Action stipulated that within 15 days of the JPML’s decision on the motion to consolidate and transfer, Plaintiff will advise whether Plaintiff agrees to sever Plaintiff’s claims against each individual Defendant. *See Andrews v. Beech-Nut Nutrition Company et. al.*, 2:2021-cv-01704 at ECF No. 10. In light of the JPML’s June 7, 2021 decision on the motion to consolidate, Plaintiff advised Defendants in the Andrews Action that Plaintiff will (i) sever Plaintiff’s claims against each individual Defendant; (ii) consolidate and transfer as necessary Plaintiff’s claims against each individual Defendant in this and other Districts; and (iii) file an amended complaint in the Andrews Action. The amended complaint in the Andrews Action will assert “consumer protection type claims” against only Hain Celestial. Defendant Beech-Nut Nutrition has already consented to this and Plaintiff expects to secure agreement from the remaining Defendants soon. Plaintiff intends to file the appropriate motion for voluntary severance, transfer, and leave to amend the complaint in the coming days. Accordingly, Plaintiff respectfully requests that the Andrews Action be consolidated with *In re Hain Celestial Heavy Metals Baby Food Litigation*.



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Respectfully submitted,

/s/Michael P. Canty

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